IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

INCOME TAX REFERENCE NO. 647 OF 1998

The Commissioner of Income-tax. ... Applicant.
V/s.
M/s.Homi Mehta & Sons P.Ltd. ... Respondent.

A.S.Rao for the Applicant.

CORAM : V.C.DAGA AND J.P.DEVADHAR, JJ.

DATED : 29th March, 2005.

P.C. :

. Heard learned counsel for the applicant.

The tribunal has referred following question for the

opinion of this Court:

> "Whether on the facts and in the circumstances of the case, the Tribunal was right in holding that in computing disallowance in respect of the remuneration, benefit or amenities to the Managing Director, the provisions of sec.40(c) and not sec.40A(5)(a) of the Income-tax Act are applicable in assessment year 1978-79?"

2. The above question has already been answered by the Division Bench of this Court in the case of **C.I.T. v. Hico Products P.Ltd.**, (1993) 201 ITR 567 (Bom) in favour of assessee and against the the revenue. In this view of the matter, the question referred is answered in affirmative for the reasons stated in the above referred judgment.

. Reference stands disposed of accordingly with no order as to costs.

*****